

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79568

Nobuhiro MIYAKAWA, et al.

Appln. No.: 10/762,497

Group Art Unit: 2852

Confirmation No.: 5233

Examiner: Sandra L. Brase

Filed: January 23, 2004

For: IMAGE-FORMING APPARATUS

SUBMISSION OF REPLACEMENT TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Replacement Terminal Disclaimer in the above-identified application. A check in the amount of \$130.00 was attached to the Terminal Disclaimer filed March 6, 2006, which the present Replacement Terminal Disclaimer replaces. The Examiner has stated that Applicants are not required to pay another disclaimer fee when submitting a replacement terminal disclaimer.

Respectfully submitted,

Brett S. Sylvester
Registration No. 32,765

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 19, 2006

The PTO did not receive the following
listed item(s) a check for 130.00



MODIFIED PTO/SB/

**REPLACEMENT TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE"
APPLICATION**Docket
Number

Q79568

In re Application of: Nobuhiro MIYAKAWA, et al.

Application No.: 10/762,497

Filed: January 23, 2004

For: IMAGE-FORMING APPARATUS

The owner*, SEIKO EPSON CORPORATION, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/751,306, filed on January 5, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

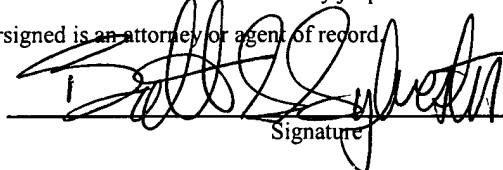
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

September 19, 2006

Date

Brett S. Sylvester

32,765

202-663-7360

Typed or printed name

Reg No.

Telephone Number

- ☒ The Terminal disclaimer fee under 37 CFR 1.20(d) was paid by our Check No. 293636 for \$130.00 with the Terminal Disclaimer filed March 6, 2006, which this Replacement Terminal Disclaimer replaces.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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